

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA,)	
)	
and COMMONWEALTH OF VIRGINIA)	
)	
<i>ex rel.</i> DWIGHT OLDHAM,)	
)	
<i>Plaintiff,</i>)	Civil Action No. 6:18-cv-88
)	
v.)	
)	
CENTRA HEALTH, INC.,)	
)	
<i>Defendant.</i>)	

**MOTION FOR EXTENSION OF TIME TO
FILE AMENDED PLEADINGS AND EFFECT SERVICE**

Plaintiff-Relator Dr. Dwight Oldham, M.D., respectfully moves this Court for an extension of time to file an amended complaint in this case and effect service on Defendant Centra Health, Inc. (“Centra”). Relator Oldham seeks sixty additional days, which will make the service of the amended complaint due no later than June 29, 2020.

Summary of Facts

The Relator originally filed this action on November 21, 2018 (Dkt. 1). The United States filed a Notice of Election to Decline Intervention on January 29, 2020. (Dkt. 10) The Commonwealth of Virginia filed a Notice of Election to Decline Intervention on January 29, 2020. (Dkt. 9). This Court issued an order to unseal the case on January 31, 2020, making the deadline for service of process in accordance with Federal Rule of Civil Procedure 4(m) on April 30, 2020.

Law

Per Federal Rule of Civil Procedure 6, the Court has the discretion to extend timelines for responsive pleadings or any other “act” for good cause, even after the time for that action has passed due to excusable neglect. Fed. R. Civ. P. 6(b)(1)(B).

Argument

The Court should grant the Relator’s Motion for an Extension of Time for two primary reasons.

1. The reasonable amount of time that Relator Oldham seeks would further the interests of justice and conserve judicial resources.

Relator Oldham is in the process of communicating with counsel for the United States and the Commonwealth of Virginia with respect to the claims brought under the Virginia Fraud Against Taxpayers Act (“VFATA”) and the federal False Claims Act (“FCA”) as these parties remain the real parties in interest. Relator Oldham anticipates filing an amended complaint within a short timeframe that may significantly narrow the claims at issue in this litigation. The Relator may also include information and revise claims in the putative amended complaint that will clarify and focus the claims at issue in this litigation. Allowing for a short period of additional time for amended pleadings will, therefore, advance the interests of judicial economy and further the interests of justice.

2. The COVID-19 crisis has slowed the Relator’s ability to file amended pleadings and effect service.

Due to the COVID-19 pandemic and the associated government efforts to contain the outbreak of the virus, such as Governor Northam’s April 1, 2020 Temporary Stay at Home Order, undersigned counsel and Relator Oldham have been slowed in their ability to complete

the amended pleadings and move forward with effecting service. Specifically, undersigned counsel and Relator Oldham have been slowed in their ability to meet in person to engage in detailed discussions on possible amendments and review necessary documents. Moreover, many process serving entities are operating at reduced capacity or have ceased operations until the current crisis is over.

Conclusion

For the reasons outlined above, Relator Oldham respectfully moves the Court to grant his Motion for Extension of Time to File Amended Pleadings and Effect Service.

Respectfully submitted,

DWIGHT OLDHAM

By: **John R. Thomas, Jr.**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 23, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record.

/s/ John R. Thomas, Jr.